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OFFICE OF PETITIONS

In re Application of
Jocelyn Cloutier, et al.
Application No. 09/736,430
Filed: December 15, 2000
Attorney Docket No. 113592 (1014-087)

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ON PETITION

This is a decision on the petition filed February 6, 2008 under 37 CFR 1.137(b) to revive the above-identified application. This is also a decision on the petition filed April 24, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue.

There is no indication that the petitions are signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael N. Haynes appearing on the petitions shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Haynes desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Haynes, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petitions are **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before July 9, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 2007. A Notice of Abandonment was mailed on August 8, 2007.

The petition under 37 CFR 1.137(b) includes (1) the reply in the form of the \$1,440 issue fee and the \$300 publication fee; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay. Accordingly, the petition is found to comply with the requirements of 37 CFR 1.137(b).

The petition under 37 CFR 1.313(c)(2) includes, *inter alia*, (1) the petition fee of \$130; (2) a Request for Continued Examination (RCE) and fee of \$810; and (3) an Information Disclosure Statement (IDS). Accordingly, the petition is found to comply with the requirements of 37 CFR 1.313(c)(2).

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 6, 2008, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center AU 2617 for further processing of the request for continued examination under 37 CFR 1.114.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MICHAEL N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

¹The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.